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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty- Second Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding Observations of the Committee on the Rights of the Child

VANUATU

1. The Committee considered the initial report of Vanuatu (CRC/C/28/Add.8) at its 566th to 567th meetings (CRC/C/SR.566-567), held on 24 September 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/VAN/1). The Committee is encouraged by the constructive and open dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a representative directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

* At the 586th meeting, held on 8 October 1999.

B. Positive aspects

3. The Committee appreciates the State party's initiative of establishing an Ombudsman Office mandated to handle complaints by children whose rights have been violated. In this connection, the Committee notes the efforts of the Ombudsman to facilitate the ban on the use of corporal punishment in schools and to promote greater awareness among the police of the principles and provisions of the Convention.

4. The Committee notes that the Convention has been made available in English and French and that it has been translated by the State party into Bislama.

5. The Committee takes note of the efforts made by the State party in the area of primary health care services, which have improved the chances of survival and development for children.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the socio-economic, geographic and political difficulties facing the State party have impeded the full implementation of the Convention. In particular it notes the challenges faced by the State party in implementing adequate programmes and services for children in its dispersed island communities, some of which are isolated and very difficult to reach. The Committee acknowledges the vulnerability of the State party with respect to natural disasters such as cyclones, typhoons, tidal waves and flooding, and the challenges faced in this regard. The Committee further notes that the limited availability of human resources has also adversely affected the full implementation of the Convention.

D. Subjects of concern and Committee recommendations

D.1. General measures of implementation

7. The Committee expresses its concern that domestic legislation and customary law do not fully reflect the principles and provisions of the Convention. **The Committee recommends that the State party undertake a review of its domestic legislation with a view to ensuring full conformity with the principles and provisions of the Convention. The Committee also recommends that the State party consider the enactment of a comprehensive children's code. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.**

8. While the Committee notes that the State party has elaborated a proposal to establish a Children's Office and a National Children's Committee, it remains concerned that the proposal has not yet been implemented and that the modus operandi of the agencies has not been clearly articulated. **The Committee strongly recommends that the State party undertake all necessary measures to ensure that the proposal is carried out as soon as possible and that adequate funding is allocated to ensure that the Office and the Committee are effectively established.**

9. The Committee notes that the State party has elaborated a National Programme of Action for Children (1993-2000) which focuses on health; population and family planning; nutrition; water supply and environmental sanitation; agriculture, livestock and fisheries; and education. However, the Committee is concerned that a specific budget has not been allocated for the implementation of the Programme. **The Committee encourages the State party to undertake all appropriate measures to implement the National Programme of Action for Children. In this connection, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and the World Health Organization (WHO).**

10. The Committee is concerned at the lack of a data collection mechanism within the State party to make possible the systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. **The Committee recommends that the State party develop a comprehensive system of data collection consistent with the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities, child victims of abuse or ill-treatment, and children living in remote island and urban squatter communities.**

11. The Committee remains concerned that, in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children. **In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.**

12. The Committee notes the efforts of the State party in disseminating information about the Convention and recognizes the challenges faced in this regard, particularly in the light of the fact that 82 per cent of the population live in remote island communities. However, the Committee is concerned that the general population remains insufficiently aware of the Convention and the rights-based approach enshrined therein. **The Committee recommends that the State party develop more creative methods to promote the Convention, including through visual aids such as picture books and posters. Additionally, the Committee recommends the use of traditional methods of communication in promoting the principles and provisions of the Convention. The Committee also recommends adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. The Committee further recommends that efforts be made to sensitize civil society, including community chiefs, religious leaders, NGOs and the media, about children's rights and to facilitate their participation in the dissemination and promotion of the Convention. The State party is encouraged to fully integrate the Convention into the curricula at all levels of the educational system. It is suggested that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.**

D.2. Definition of the Child

13. The Committee expresses concern regarding the low minimum age for criminal responsibility (10 years). The Committee is also concerned about the disparity between the minimum legal age for the marriage of boys (18 years) and that of girls (16 years). **The Committee recommends that the State party review its legislation in order to bring it into full conformity with the provisions and principles of the Convention.**

D.3. General principles

14. The Committee is concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and its policies and programmes relevant to children. **It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

15. The Committee is concerned that traditional practices and attitudes still limit the full implementation of the Convention, in particular article 12. **The Committee recommends that the State party seek to develop a systematic approach, with the involvement of community chiefs, religious leaders and civil society, to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, in school and generally in society.**

D.4. Civil rights and freedoms

16. While the Committee is aware that corporal punishment is prohibited by law in schools, it remains concerned that traditional societal attitudes continue to encourage the use of such punishment within the family, in schools, care and juvenile justice systems and generally in society. **The Committee recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and ensure that alternative forms of discipline are administered in families, schools, and care and other institutions, in a manner consistent with the child's dignity and in conformity with the Convention. In this connection, the Committee recommends that the State party provide counselling and other programmes for parents, teachers and professionals working in institutions to encourage their use of alternative forms of punishment. In addition, the Committee strongly recommends that all necessary measures be taken to ensure the full and effective implementation of the ban on corporal punishment in schools.**

D.5. Family environment and alternative care

17. The lack of data, appropriate measures, mechanisms and resources to prevent and combat domestic violence, including child sexual abuse, are matters of grave concern to the Committee. **In the light of article 19, the Committee recommends that the State party undertake studies**

on domestic violence, ill-treatment and abuse, including sexual abuse, to understand the scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, due regard being given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and WHO.

D.6. Basic health and welfare

18. The Committee notes the efforts of the State party to improve the general situation of health. In particular, it notes that both the infant mortality rate and the under-five mortality rate have declined rapidly during the past decade and that immunization coverage has improved considerably. The Committee also notes that the State party has implemented a food and nutrition programme, which has resulted in a reduction in the incidence of malnutrition. The Committee is concerned, however, that the survival and development of children within the State party continue to be threatened by malaria, acute respiratory infections and diarrhoeal diseases. The Committee is also concerned about the insufficient number of trained health workers; wide discrepancies in the distribution of health professionals between communities; limited access to health services in some island communities; poor sanitation and limited access to safe drinking water, particularly in remote areas. **The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children and facilitate greater access to primary health services. The Committee recommends that the State party continue its efforts to reduce the incidence of maternal, child and infant mortality; improve breastfeeding practices; and prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children. The Committee also recommends that the State party undertake additional measures to increase access to safe drinking water and to improve sanitation. Additionally, the Committee encourages the State party to continue its technical cooperation programmes with UNICEF, WHO and others to improve primary health care.**

19. While noting with appreciation the activities of the Vanuatu Society of Disabled Persons regarding assistance to and rehabilitation of children with disabilities, the Committee remains concerned that insufficient efforts have been made to protect the rights of children with disabilities. **The Committee recommends that the State party allocate the necessary resources for programmes and facilities for children with disabilities. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is also recommended that the State party develop early identification programmes to prevent disabilities, establish special education programmes for children with disabilities and further encourage their integration into the educational system and their inclusion in**

society. The Committee recommends that the State party seek technical cooperation for the training of persons working with and for children with disabilities from, inter alia, UNICEF and the WHO.

20. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortions. The Committee is particularly concerned at the high and increasing incidence of teenage pregnancy and sexually transmitted diseases (STDs) as well as the prevalence of the use of alcohol and tobacco among youth. **The Committee recommends that the State party increase its efforts to promote adolescent health policies, particularly with respect to accidents, suicide, violence, alcohol consumption and tobacco use. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken on adolescent health problems, including the negative impact of early pregnancy and STDs. Additionally, it is also recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly counselling, care and rehabilitation facilities that would be accessible, without parental consent, in the best interests of the child. The State party is urged to strengthen reproductive health education programmes for adolescents and to ensure the inclusion of men in all training programmes on reproductive health.**

D.7. Education, leisure and cultural activities

21. The Committee notes the importance of the role of traditional education, particularly in remote island communities. The Committee expresses grave concern that primary education is still not compulsory and free to all children in the State party. Further, the Committee is concerned about the limited access to education, the low rate of enrolment of girls, the low literacy rate, the poor quality of education, the general lack of relevant learning material and other resources, and the insufficient numbers of trained/qualified teachers. There is a concern that efforts have not been made to introduce local languages into the education curricula. Many parents continue to see education as having a negative impact on the behaviour of children. **In the light of article 28.1 (a), it is strongly recommended that the State party undertake, within two years, to elaborate, adopt and submit to the Committee a detailed plan of action for the progressive implementation, within a reasonable number of years, of compulsory education free of charge for all. The Committee further recommends that the State party undertake a study of the educational system with a view to improving access to education at all levels of the system, increasing the enrolment rate of girls, particularly at the secondary level, introducing local languages as additional tools of instruction, and improving the overall quality of education. The Committee also recommends that a public education campaign be undertaken to promote the importance of education and to influence cultural attitudes positively in this regard. It is recommended that the State party seek technical cooperation from, inter alia, UNICEF and UNESCO.**

D. 8. Special protection measures

22. The Committee is concerned at the insufficient data on child labour and economic exploitation of children. **Given the limited access to secondary education and the resulting**

early employment of children, the Committee suggests that the State party undertake a survey on child labour and economic exploitation, particularly in the informal sector.

23. The Committee is concerned about the problems faced by the State party with respect to its judiciary, including the juvenile justice process. The Committee acknowledges the information provided about the traditional way in which juvenile delinquency is treated and **recommends that the State party:**

(a) Undertake measures to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice; and

(c) Consider seeking technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice, UNICEF and the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

24. Lastly, **the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that consideration be given to publishing the report along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including non-governmental organizations.**